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Key Executive in FBI Break-ins Is Absolved

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A high-ranking FBI executive, who was part of the chain of command allegedly involved in authorizing and supervising illegal break-ins within the past five years, has been absolved of any wrongdoing and reinstated by Director Clarence M. Kelley to the bureau's policy-making group, informed sources have told The Washington Star.

The reinstatement, which took place within the past several weeks, was said to have occurred after Kelley learned from a high-ranking Justice Department official that the executive, Assistant Director Andrew J. Decker, was found to have no culpability in connection with the surreptitious entries aimed at radical groups.

Decker is believed to be the first present or former FBI official under investigation to have been cleared — reportedly — by the Justice Department's Civil Rights Division in connection with the break-ins.

FOR ALMOST A YEAR, federal prosecutors and a federal grand jury in New York have been probing the so-called "black bag jobs" conducted by FBI agents in the early 1970s against militant "New Left" organizations such as the Weathermen, mostly in the New York City area.

Decker, who heads the bureau's Records Management Division, was

said to have been ordered by Kelley early last September not to attend any more meetings of the bureau's high-level executive conference, apparently after it became known that he was one of the targets of the probe.

The executive conference, which helps set policy for the FBI, consists of the 16 highest ranking aides of the director. It was said that after the FBI director learned — apparently unofficially — several weeks ago from the Justice Department that Decker had been cleared, Kelley immediately reinstated him to the executive conference.

Decker was one of the highest ranking present FBI executives to come under scrutiny by the prosecu-

tors. At the time when most of the break-ins and burglaries occurred in the New York City area, Decker was the special agent in charge of domestic intelligence activities in the New York City field office.

AS MANY AS 40 present and former FBI officials and street agents have come under investigation in the probe, which is nearing completion.

Last August, Edward S. Miller, a retired head of the bureau's intelligence division, alleged publicly that in the late summer of 1972 then-acting FBI Director L. Patrick Gray III authorized agents to carry out break-ins and burglaries as "a last resort" in tracking down radicals who were suspected of having participated in

bombings and other militant activities. This was six years after the late FBI Director J. Edgar Hoover had ordered a halt to such practices.

Miller told The Star in an interview at the time that, in at least two instances, he had received break-in requests from Decker on a special telephone line between Decker's New York office and Miller's office in Washington headquarters.

Miller said the requests were usually in the form of "a cryptic recitation" of why authorization was required. Miller said he never questioned the requests because, "I knew him (Decker) as a tremendously competent man, a rock of Gibraltar."

THE BREAK-INS and burglaries under investigation cover the five-year period beginning in 1971. The targets of the break-ins were the homes and offices of persons suspected of aiding and abetting members of organizations such as the Weathermen.

Sources familiar with the scope of the probe feel the reported decision involving Decker is a strong indication that no indictments will be returned against any other present or former FBI officials or agents; who, by being part of the chain of command, requested, supervised, had knowledge of, or participated in the illegal entries.

But one legal source, who represents several other targets of the probe, said last night he was not so confident. "I can't read into it all those good vibes, that everyone under investigation ought to be dancing in the streets," he said. "Decker's situation might have been different than the others under investigation."

This source, who asked not to be identified, said he was "not optimistic that the probe will end without indictments being returned."

Another lawyer who represents FBI agents who have been subpoenaed to appear before the grand jury said it was his feeling also that "the facts and circumstances involving one target wouldn't be binding on anyone else."

Justice Department officials involved in the probe could not be reached for comment yesterday concerning the Decker matter. John V. Wilson, a department spokesman who handles civil rights division information, said he could not comment on the report involving Decker. Decker also could not be reached for comment.

THE GRAND JURY, meanwhile, has been in recess for several weeks while prosecutors reviewed the testimony thus far, it was understood yesterday. That review is expected to be completed in about a week and, at

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